

## JOURNAL OF THE HOUSE.

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Wednesday, May 10, 2006.

Met at seven minutes after eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, guided by Your assistance and gift of wisdom, we are well-prepared to take up the items on today's legislative calendar. Teach us to use our human talents wisely in our desire to serve You and constituents who depend upon our reasoned legislative judgements. Let our hearts and minds be filled with hope, confidence and optimism in resolving present day issues and in planning for the future of our children and our communities. Help us to develop good listening skills in dialoguing with people and in comprehending the insights of others on the meaning and events of these changing times. May Your values and ways remain our guide for successful living.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

### *Guests of the House.*

During the session, the Chair (Mr. Petrolati of Ludlow) declared a brief recess and introduced Officer Christopher Hannon and Police Chief Steven A. Mazzie from Everett. Officer Hannon was acknowledged for his compassion towards Krystal Poirier. Krystal was killed in a fatal accident on the Revere Beach Parkway in Everett. Many members of Krystal's family were also present and were introduced By Representative DeLeo of Winthrop. The officer and his chief were the guest of Messrs. Connolly of Everett and Deleo of Winthrop.

Everett  
Police.

### *Orders.*

An Order (filed by Mr. Scaccia of Boston) relative to special procedures for consideration of the House Bill relative to streamlining and expediting the permitting process in the Commonwealth (House, No. 4931), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was considered.

Permitting  
process,  
procedures.

Pending the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved that it be amended in the first paragraph by inserting after the date "May 16, 2006" the following: "provided that the bill or substitute reported from the Committee on Ways and Means shall be made public by no later

than 12:00 p.m. on Monday, May 15, 2006". The amendment was adopted.

The order (House, No. 4931, amended) then also was adopted.

#### *Communication.*

Transportation  
projects.

A communication from the Secretary of the Executive Office of Transportation and Construction (under the provisions of items 6000-0100 and 6010-0001 of section 2 of Chapter 45 of the Acts of 2005) submitting certain reports relative to expenditures for transportation projects in the Commonwealth, was read for the information of the House; and it was placed on file.

#### *Petitions.*

Petitions severally were presented and referred as follows:

Boston,  
ballot  
preparation.

By Mr. Sánchez of Boston, petition (accompanied by bill, House, No. 4942) of Jeffrey Sánchez (with the approval of the mayor and city council) relative to bilingual ballots in the city of Boston. To the committee on Election Laws.

Greenfield,  
town charter.

By Mr. Donelan of Orange, petition (accompanied by bill, House, No. 4943) of Christopher J. Donelan (with the approval of the mayor and town council) for legislation to make certain changes in the charter of the town of Greenfield; and

Acton,  
fund  
transfer.

By Mr. Eldridge of Acton, petition (accompanied by bill, House, No. 4944) of James B. Eldridge and others (by vote of the town) for legislation to transfer certain funds of the town of Acton from the North East Solid Waste Committee to the general fund of said town;

Severally to the committee on Municipalities and Regional Government.

Yarmouth,  
tourism fund.

By Mr. Atsalis of Barnstable, petition (accompanied by bill, House, No. 4945) of Demetrius J. Atsalis and others (by vote of the town) that the town of Yarmouth be authorized to use a portion of the room occupancy tax for the establishment of a tourism revenue preservation fund; and

Acton,  
elderly.

By Mr. Eldridge of Acton, petition (accompanied by bill, House, No. 4946) of James B. Eldridge and others (by vote of the town) relative to the dates for the payment of property taxes by certain elderly persons in the town of Acton;

Severally to the committee on Revenue.

Warwick Free  
Public Library.

By Mr. Donelan of Orange, petition (accompanied by bill, House, No. 4947) of Christopher J. Donelan (by vote of the town) relative to the Warwick Free Public Library located in the town of Warwick. To the committee on Tourism, Arts and Cultural Development.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Alcoholic  
beverages,  
sales.

By Miss Garry of Dracut, petition (subject to Joint Rule 12) of Colleen M. Garry relative to the sale of alcoholic beverages in the Commonwealth.

Telephones,  
consumer  
protection.

By Mr. Golden of Lowell, petition (subject to Joint Rule 12) of Thomas A. Golden, Jr., and others for legislation to protect residential and commercial telephone subscribers from fraudulent practices.

By Mr. Jones of North Reading, petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., for legislation to authorize organizations to employ certain persons to conduct raffles and bazaars.

Raffles and  
bazaars.

By Mr. Koutoujian of Waltham, petition (subject to Joint Rule 12) of Peter J. Koutoujian for legislation to regulate investments of public pension funds in certain corporations manufacturing military equipment and the shipping of such supplies to countries involved in genocide.

Pension funds,  
investments.

By Mr. Murphy of Burlington, petition (subject to Joint Rule 12) of Charles A. Murphy and others relative to making certain changes in the law relative to the Municipal Affordable Housing Trust Fund for the preservation of affordable housing in the Commonwealth.

Affordable  
housing,  
preservation.

By Mr. Nangle of Lowell, petition (subject to Joint Rule 12) of David M. Nangle for legislation to regulate advertising for the sale of alcoholic beverages on property of the Massachusetts Bay Transportation Authority.

M.B.T.A.,  
alcohol adver-  
tising.

By Mrs. Parente of Milford, petition (subject to Joint Rule 12) of Marie J. Parente and Richard T. Moore that the Division of Capital Asset Management and Maintenance be directed to convey a certain parcel of land located in the town of Milford to Quarry Stone, LLC.

Milford, Quarry  
Stone, LLC.

By Mr. Perry of Sandwich, petition (subject to Joint Rule 12) of Jeffrey Davis Perry and Cleon H. Turner for legislation to establish a sick leave bank for Karen W. Boyson, an employee of the Barnstable Division of the Juvenile Court of the Commonwealth.

Karen W.  
Boyson,  
sick leave.

By the same member, petition (subject to Joint Rule 12) of Jeffrey Davis Perry and others that the Division of Capital Asset Management and Maintenance be authorized to grant easements on certain property in the towns of Bourne and Sandwich to Algonquin Gas Transmission and Keyspan Energy of New England.

Bourne and  
Sandwich,  
gas  
transmission.

By Mr. Sánchez of Boston, petition (subject to Joint Rule 12) of Jeffrey Sánchez relative to economic development in the Commonwealth.

Economic  
development.

Severally, under Rule 24, to the committee on Rules.

#### *Papers from the Senate.*

The House Bill relative to mercury management (House, No. 4670) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2470.

Mercury  
management.

Under suspension of the rules, on motion of Mr. Smizik of Brookline, the amendment was considered forthwith.

The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. The Speaker appointed Representatives Smizik, DeLeo of Winthrop and Gifford of Wareham as the committee on the part of the House. Sent to the Senate to be joined.

Committee of  
conference.

The House Order relative to extending until Monday, May 1, 2006 the time within which the committee on Financial Services is authorized to report on all Senate and House documents referred to

Financial  
Services,  
time for  
reporting,  
Financial

Services,  
time for  
reporting.

them, came from the Senate with the endorsement that it had been adopted, in concurrence, by said branch, with an amendment striking out the date "Wednesday, March 29, 2006" and inserting in place thereof the date "Wednesday, May 17, 2006".

Under suspension of the Rule 35, on motion of Mr. Mariano of Quincy, the amendment was considered forthwith; and it was adopted, in concurrence.

Medical and  
family leave.

A petition of Robert E. Travaglini, Karen E. Spilka, Thomas M. McGee, Frederick E. Berry and other members of the General Court for legislation to support strong families by providing paid family and medical leave, increasing tax deductions for working families, and establishing a work-family council, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Children and Families.

The House then concurred with the Senate in the suspension of said rule; and, on motion of Mr. Rodrigues of Westport, the petition (accompanied by bill) was referred, in non-concurrence, to the committees on Children and Families and Labor and Workforce Development, acting jointly. Sent to the Senate for its action.

An order came from the Senate with the endorsement that it had been adopted by said branch, as follows:

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Thursday, June 8, 2006, within which time to make its final report on current Senate number 2399 and current Senate number 2400.

Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the order was considered forthwith; and it was adopted, in concurrence.

Transportation  
committee,  
extension  
of time for  
reporting.

Special  
State Police  
Officers,  
records.

A Bill providing that records of special state police at educational institutions and hospitals are public (Senate, No. 1735) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Quincy, Quincy  
College.

A petition (accompanied by bill, Senate, No. 2523) of Michael W. Morrissey, Ronald Mariano, Bruce J. Ayers and A. Stephen Tobin (with approval of mayor and city council) for legislation in regards to the relationship between the city of Quincy and Quincy College, a municipal college and a department of the city of Quincy, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Municipal zoning.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2531) of Pamela P. Resor, Stephen Kulik and Douglas W. Petersen for legislation relative to municipal zoning, subdivision control, and planning. To the committee on Municipalities and Regional Government.

Joseph Rappa,  
retirement.

Petition (accompanied by bill, Senate, No. 2525) of Robert A. Antonioni for legislation to authorize the state board of retirement to grant creditable service to Joseph Rappa;

Petition (accompanied by bill, Senate, No. 2526) of Robert L. Hedlund and James M. Murphy for legislation to transfer sick, personal or vacation time to State Trooper Mary T. McCauley of the Middlesex District Attorney's office;

Petition (accompanied by bill, Senate, No. 2499) of Robert L. Hedlund and Joyce A. Toland for legislation relative to a retirement buy-back for school nurses;

Petition (accompanied by bill, Senate, No. 2527) of Robert L. Hedlund, Garrett J. Bradley and Tony Marcinkiewicz for legislation relative to the retirement of non-union professionals at the University of Massachusetts Boston;

Petition (accompanied by bill, Senate, No. 2528) of Karen E. Spilka for legislation relative to certain creditable service; and

Petition (accompanied by bill, Senate, No. 2529) of Bruce E. Tarr, Susan C. Fargo, Geoffrey D. Hall and Robert B. Noonan for legislation to adjust the pension wages of Robert B. Noonan, a retired teacher in the Chelmsford School System;

Severally to the committee on Public Service.

Petition (accompanied by bill, Senate, No. 2530) of Marc R. Pacheco, Brian P. Lees, Dianne Wilkerson, Thomas J. O'Brien and other members of the General Court for legislation relative to certain musical performances and the protection of performing groups. To the committee on Tourism, Arts and Cultural Development.

Mary T.  
McCauley,  
sick leave  
bank.

School nurses,  
buy-back.

UMass Boston,  
non-union  
retirement.

Creditable  
service,  
amend.

Pension,  
Robert  
Noonan.

Performing  
groups,  
protection.

### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Stephen R. Canessa and others that the Board of Education to directed to increase the maximum age for attendance of students in the schools of the Commonwealth. To the committee on Education.

Petition (accompanied by bill) of John J. Binienda and others for legislation relative to creditable service for Rosemarie Carelli, an employee of the Trial Court. To the committee on the Judiciary.

Petition (accompanied by bill) of Robert K. Coughlin and others that the Treasurer and Receiver-General of the Commonwealth be authorized to establish retirement plans for employees of non-profit organizations. To the committee on Labor and Workforce Development.

Petition (accompanied by bill) of Matthew C. Patrick for legislation to establish a trust fund administered by the Department of Public Health for the prevention of domestic violence and sexual assault. To the committee on Public Health.

Petition (accompanied by bill) of Christopher J. Donelan that police officers of the University of Massachusetts injured in the line of duty be granted leave without loss of pay for the period of such incapacity;

Students,  
dropout  
prevention.

Rosemarie  
Carelli.

Non-profits,  
retirement  
options.

Domestic  
violence,  
trust fund.

University of  
Massachusetts,  
police.

Marguerite  
Russell,  
retirement.

Edward  
Kazanjian.

Petition (accompanied by bill) of Shirley Gomes that the Teachers' Retirement Board be directed to grant certain creditable service to Marguerite Russell for retirement purposes;

Retirement  
benefits,  
increasing.

Petition (accompanied by bill) of Rachel Kaprielian and Steven A. Tolman that the Teachers' Retirement Board be authorized to grant creditable service to Keward Kazanjian;

Kelly Kearns  
Aveni,  
retirement credit.

Petition (accompanied by bill) of Rachel Kaprielian and Steven A. Tolman relative to increasing retirement allowances for certain public employees retired on account of superannuation;

Maxon L.  
Goudy,  
retirement.

Petition (accompanied by bill) of Brian Knuuttila and others that the State Board of Retirement be authorized to grant certain creditable service to Kelly Kearns Aveni for the purpose of determining her superannuation retirement allowances;

Daniel  
Condon, retire-  
ment.

Petition (accompanied by bill) of Ronald Mariano that the State Board of Retirement be directed to grant certain credit to Maxon L. Goudy for services rendered as an employee of the Registry of Motor Vehicles;

Karl T.  
Haglund,  
retirement.

Petition (accompanied by bill) of James M. Murphy and Robert L. Hedlund that the State Retirement Board be directed to grant creditable service to Daniel Condon for certain employment in the Congress of the United States;

George  
Denhard,  
retirement.

Petition (accompanied by bill) of Anne M. Paulsen that the State Retirement Board be directed to grant certain creditable service to Karl T. Haglund, a former employee of the Metropolitan District Commission;

Lexington,  
Charles  
Swartz.

Petition (accompanied by bill) of Douglas W. Petersen and Thomas M. McGee that the retirement system of the Water Resources Authority be authorized to grant creditable service to George Denhard as an employee of the Bay State Skills Corporation;

John A. Nee,  
retirement  
benefits.

Petition (accompanied by bill) of Frank I. Smizik that the Teachers' Retirement Board be directed to pay certain retirement benefits to Charles Swartz, a former employee of the school department of the town of Lexington;

Ann Low,  
retirement.

Petition (accompanied by bill) of Kathleen M. Teahan and others relative to authorizing the state retirement board to grant certain retirement benefits to Brendan Nee;

Group 2,  
definition.

Petition (accompanied by bill) of David M. Torrisi and others that the Teachers' Retirement Board be directed to grant certain creditable service to Ann Low, as an elected member of the school committee of the town of North Andover;

Turnpike  
steelworkers,  
Group 2.

Petition (accompanied by bill) of Martin J. Walsh and others for legislation to place certain employees of the Turnpike and of the toll roads, bridges and tunnels of the Commonwealth in Group 2 of the public employees retirement law;

Sandra  
Sherwood,  
retirement.

Petition (accompanied by bill) of John P. Fresolo and others for legislation to include certain steelworkers employed by the Turnpike Authority in Group 2 of the public employees retirement law; and

Legion of  
Merit,  
plate.

Petition (accompanied by bill) of Alice K. Wolf and Sandra Sherwood that the State Board of Retirement be authorized to grant certain credit to said Sandra Sherwood for services rendered to the Department of Education;

Severally to the committee on Public Service.

Petition (accompanied by bill) of Frank M. Hynes that the Registrar of Motor Vehicles be authorized to issue a distinctive motor vehicle registration plate to certain veterans awarded the "Legion of Merit". To the committee on Transportation.

Under suspension of the rules, on motion of Mr. Flynn of Bridgewater, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Juveniles,  
substance  
abuse.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Mental Health and Substance Abuse to make an investigation and study of certain House documents concerning mental health issues (House, No. 4727) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3126) of Peter J. Larkin and others relative to youth diversion programs to discourage alcohol and substance abuse by juveniles,— and recommending that the same be recommitted to the committee on Mental Health and Substance Abuse. Under Rule 42, the report was considered forthwith; and it was accepted.

Cohasset  
Library  
Trust.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing the Cohasset Library Trust, Inc. (House, No. 4840) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Donato, the bill was read a second time forthwith; and it was ordered to a third reading.

Lobster  
licenses,  
study.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 1357, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain House document concerning lobster licenses (House, No. 4932) [Senators Pacheco and Creedon, and Representatives Kulik of Worthington, Straus of Mattapoisett, Rush of Boston, Gifford of Wareham and Humason of Westfield, dissenting].

Fire safety,  
study.

By Ms. Coakley-Rivera of Springfield, for the committee on Public Safety and Homeland Security, on House, Nos. 1089, 2918, 4139 and 4399, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning fire safety (House, No. 4933).

Police issues,  
study.

By the same member, for the same committee, on House, Nos. 1868, 1876 and 1908, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning police issues. (House, No. 4934).

Firearms,  
study.

By the same member, for the same committee, on House, Nos. 1923, 2225, 4337 and 4398, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning firearms, school bus safety and other related matters (House, No. 4935).

By the same member, for the same committee, on House, Nos. 2030 and 2224, an Order relative to authorizing the committee on Public Safety and Homeland Security to make an investigation and study of certain House documents concerning seatbelts and school bus safety (House, No. 4936).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 1397, a Bill ensuring safety and security in biomedical laboratories and facilities (House, No. 4937).

By Mr. Koutoujian of Waltham, for the committee on Public Health, on a petition, a Bill relative to notification of medical test results (House, No. 4827, changed in line 4, by inserting after the word “tests”, the words “in which the medical test may indicate a life threatening disease” and by striking out the word “the” and inserting in place thereof the word “any”).

By the same member, for the same committee, on House, Nos. 4802 and 4854, a Bill relative to organ retention (House, No. 4938).

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to purchasing power protection for retiree benefits (House, No. 270).

By the same member, for the same committee, on a petition, a Bill relative to teachers’ retirement (House, No. 336).

By the same member, for the same committee, on a petition, a Bill relative to retirement benefits for Stuart Freedman (House, No. 4518).

By the same member, for the same committee, on House, No. 392, a Bill relative to pension reform (House, No. 4939).

By the same member, for the same committee, on House, No. 469, a Bill relative to cost of living adjustments for retired public employees of the Commonwealth (House, No. 4940).

By the same member, for the same committee, on House, No. 592, a Bill relative to survivors of the State Police (House, No. 4941).

Seatbelts, study.

Biomedical laboratories, safety.

Patients, medical results.

Organ retention.

Retiree benefits.

Teachers retirement.

Stuart Freedman.

Pension reform.

Retired public employees, cost of living.

State Police.

Energy savings, contracts.

By Mr. Dempsey of Haverhill, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill relative to energy savings contracts (House, No. 4885).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill providing for direct billing of certain pathology tests (House, No. 4812) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Petruccelli of Boston, for the committee on Election Laws, on a recommitment petition, a Bill relative to county elections for certain vacancies (House, No. 63).

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to dredge spoil disposal in Buzzards Bay (House, No. 4884).

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Somerset to lease land and grant easements in certain land (House, No. 4842, changed in section 1, in line 1, by striking out the figure: “4” and inserting in place thereof the figure: “40”).

By the same member, for the same committee, on House, No. 4843, a Bill authorizing the town of Canton to grant certain easements in support of a M.G.L. Chapter 40B affordable housing project (House, No. 4948) [Local Approval Received].

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill authorizing the appointment of police officers in the town of Milford (House, No. 4715) [Local Approval Received].

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Debra A. Flagg, an employee of the Department of Mental Retardation (House, No. 4915).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Pathology tests.

County elections.

Buzzards Bay, dredging.

Somerset, easements.

Canton, affordable housing.

Milford, police officers.

Debra A. Flagg, sick leave.

Bill enacted.

Engrossed Bills.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Milford (see House, No. 1420, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed bills

Relative to the licensure of massage therapists (see Senate, No. 2258, amended) (which originated in the Senate); and

Modifying the powers of the transportation board of the town of Brookline (see House, No. 4632) (which originated in the House);

Bills enacted.

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Third  
reading  
bills.

*Orders of the Day.*

House bills

Relative to the victims of drunk driving trust fund (House, No. 2043);  
Designating the South Boston Court House as the Chief Justice Joseph F. Feeney courthouse (House, No. 3445);

Authorizing the town of Shrewsbury to lease certain land (House, No. 4205);

Exempting the school custodian in the town of Hull from the civil service law (House, No. 4208);

Relative to certain insurance benefits for part-time elected officials of the town of Norwell (its title having been changed by the committee on Bills in the Third Reading) (printed in House, No. 4386);

Extending the term of agreement between the town of Shrewsbury and the town of Westborough for the Westborough Treatment Plant (House, No. 4565) (its title having been changed by the committee on Bills in the Third Reading);

Relative to certain conservation restrictions in the town of Edgartown (House, No. 4570); and

Abolishing the library district in the towns of Mendon and Upton (House, No. 4681);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Resolve directing the Superintendent of State Office Buildings to install a plaque in honor of school nurses (House, No. 3531) was read a second time; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mrs. Canavan of Brockton, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act directing the State Superintendent of State Office Buildings to install a plaque in honor of school nurses in the State House.". Sent to the Senate for concurrence.

Second reading  
bill engrossed.

Second  
reading  
bills.

Senate bills

Clarifying the community preservation act (Senate, No. 167);

Authorizing municipalities to petition for public involvement plans in cases of hazardous material sites (Senate, No. 518);

Further regulating apprentice training (Senate, No. 1086);

Authorizing private road betterment borrowing by the town of Brewster (Senate, No. 1198);

Authorizing certain terms for borrowing by the town of Hopkinton for construction of school buildings (Senate, No. 2070);

Further regulating drag racing in the city of Taunton (Senate, No. 2084);

Providing enforcement of delinquent municipal sewer fees in the city of Taunton (Senate, No. 2112, changed);

Authorizing the late filing of a tax abatement application for the National Plastics Center and Museum in Leominster (Senate, No. 2386); and

Further regulating funeral processions (Senate, No. 2483); and  
House bills

Relative to designating basketball as the state sport (printed as Senate, No. 1851);

Relative to allowing certain unsigned circulars and posters (House, No. 126);

Pertaining to the rights of fire fighters and police officers (House, No. 487);

Relative to enhancing the penalties for distribution of methylenedioxymethamphetamine (House, No. 839);

Validating the actions taken by the town of Webster open town meeting (printed in House, No. 2608);

Relative to volunteer dentistry (House, No. 2676);

Providing a simplified procedure for municipal acceptance of subdivision roads (House, No. 3797, changed);

Designating a group home in the town of Ipswich as the Raymond M. Daniels House (House, No. 4032);

Relative to the group insurance program of the town of Boxborough (House, No. 4077);

Authorizing the town of Boylston to convey certain open space land (House, No. 4105);

Authorizing the town of Oxford to make loans to private home owners to replace shallow water supply wells made dry by the drawdown of Sacarrappa Pond (House, No. 4238);

Authorizing the town of Medfield to lease a certain parcel of land for the construction of a sports and recreation center (House, No. 4254);

For a special law re: the retirement of Dennis Mullen (House, No. 4419);

Relative to temporary loans and the assessment of betterments in the town of Hingham (House, No. 4433);

Clarifying the enforcement of fence viewers' rulings (House, No. 4749);

Regarding municipal affordable housing trust funds (House, No. 4793);

Authorizing the town of Topsfield to grant a second license for the sale of wine and malt beverages not to be drunk on the premises (House, No. 4810); and

Establishing a sick bank for a certain employee of the Trial Court (House, No. 4834);

Severally were read a second time; and they were ordered to a third reading. Recess.

*Recess.*

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Smizik of Brookline (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at one minute before one o'clock the House was called to order with Mr. Petrolati in the Chair.

*Joint Session of the Two Houses to Consider Specific Legislative Amendments to the Constitution*

At one minute past one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Stanley C. Rosenberg, who made the following observations:

Pursuant to an order previously adopted the two Houses are in Joint Session for the purpose of considering proposals for amendments to the Constitution. The matters that have been called for consideration are seasonably laid before this session in conformity with the provisions of Articles XLVIII and LXXXI of the Amendments to the Constitution.

The following additional initiative proposal and legislative proposal for amendments to the Constitution were seasonably laid before the joint session for consideration:

Marriage,  
define.

Eminent  
domain,  
private  
property.

Proposal for an initiative amendment to the Constitution to define marriage (House, No. 4617), having been reported ought NOT to pass (under Joint Rule 23) from the committee on the Judiciary (the time within which the committee was required to report having expired);

Proposal for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development (House, No. 4617), having been reported ought NOT to pass (under Joint Rule 23) from the committee on the Judiciary (the time within which the committee was required to report having expired);

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Lees, at three minutes past one o'clock P.M., the joint session was recessed until one o'clock P.M., on wednesday, July 12, 2006; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

Called to  
order.

At four minutes after one o'clock P.M., the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Ayer,  
land  
conveyance.

*Engrossed Bill — Land Taking.*

The engrossed Bill authorizing the town of Ayer to convey certain land (see House, No. 4203) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 412 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

School  
nurses,  
rights.

*Orders of the Day.*

The House Bill relative to the rights of school nurses (House, No. 1087), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mrs. Canavan of Brockton; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 413 in Supplement.]**

Therefore the bill (House, No. 1087) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 413.

Massachusetts  
History Day.

The House Bill providing for the annual observance of Massachusetts History Day (House, No. 3465), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Rush of Boston; and on the roll call 156 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 414 in Supplement.]**

Therefore the bill (House, No. 3465) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed  
to be  
engrossed,  
yea and nay  
No. 414.

Elder abuse,  
records.

The House Bill relative to certain elder abuse assessment reports (House, No. 1490) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Atsalis of Barnstable moved that it be amended by adding at the end thereof the following:

“SECTION 2. Subsection (b) of section 23 of chapter 19A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in line 10 by striking the words ‘within three months’ and inserting in place thereof the following words:— within three years.

Said section is further amendment by adding at the end thereof the following:— Each government agency shall report annually such statistical records to the Office of the Commissioner of Elder Affairs.”.

The amendment was adopted.

After remarks on the question on passing the bill, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Atsalis; and on the roll call 154 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 415 in Supplement.]**

Therefore the bill (House, No. 1490, amended) was passed to be engrossed. Mr. Rushing of Boston moved that this vote be reconsidered; and the motion to reconsider was considered forthwith and it prevailed.

Mr. Rushing further moved that the vote be reconsidered by which the House had adopted the amendment (offered by Mr. Atsalis); and the motion prevailed.

Pending the recurring question on adoption of the amendment, Mr. Atsalis moved that it be amended by striking out the text of said

Bill passed  
to be  
engrossed,  
yea and nay  
No. 415.

Elder abuse,  
records.

amendment and inserting in place thereof the following: “By striking out all after the enacting clause and inserting in place thereof the following:—

Subsection (b) of section 23 of chapter 19A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended in line 10 by striking the words “within three months” and inserting in place thereof the following words:— within three years.

Said section is further amendment by adding at the end thereof the following:— Each government agency shall report annually such statistical records to the Office of the Commissioner of Elder Affairs.”.

The further amendment was adopted, thus precluding a vote on the recurring amendment.

The bill (House, No. 1490, amended) then was passed to be engrossed. Sent to the Senate for concurrence.

Kayak  
safety.

The House Bill relative to kayak safety measures (House, No. 4688) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Representatives Gomes of Harwich and Straus of Mattapoisett moved that it be amended by substitution of a Bill relative to kayak safety (House, No. 4949), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Next  
sitting.

*Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

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Mr. Cabral of New Bedford then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at six minutes before three o'clock P.M. (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.